

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2801

House Bill No. 2409*

FILED

Date _____

Time _____

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by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-12-138(a), is amended by deleting such subsection in its entirety and by substituting instead the following:

(a) The board shall have authority to enter an order to discipline any person, corporation or other similar organization, public or private, for-profit or not-for-profit, who or which, after proper hearing, has been found guilty by the board of a violation of one (1) or more provisions of this chapter or any rule of the board. The board, based upon the evidence and its findings of act, may enter its final order, which may include one (1) or more of the following provisions:

(1) Suspend or limit the right to practice veterinary medicine in this state for a period not to exceed two (2) years;

(2) Suspend or limit the right to hold a premises permit in this state for a period not to exceed two (2) years;

(3) Revoke the license to practice veterinary medicine. Following revocation of such license, the licensee may be re-licensed at the discretion of the board with or without examination;

(4) Impose judgment and penalties, but suspend enforcement thereof and place the licensee or license applicant, premises permit holder or premises permit applicant on probation;

(5) Suspend the imposition of judgment and penalties;

(6) Refuse to issue a new license or premises permit;

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(7) Withhold any license or premises permit, either permanently or for a period of time, when the same has not been delivered;

(8) Suspend or limit the right to own or operate a veterinary facility in this state; or

(9) Take such other action in relation to discipline as the board in its discretion may deem proper.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 12, Part 1, is amended by adding the following language as new sections, to be appropriately designated:

63-12-1__.

(a) Any person who owns or operates any veterinary facility, including mobile clinics, or any other premises where a licensed veterinarian practices or where the practice of veterinary medicine occurs, shall apply for and secure a premises permit from the board prior to the commencement of any services which would subject the provider of those services to licensure under this chapter. Any premises in operation on the effective date of this act shall register with the board by filling out an application as required by the board.

(b) Any premises at which veterinary services are provided and not owned or leased by a licensed veterinarian on the effective date of this act shall be inspected prior to the opening of such premises. Upon

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receipt of the application and payment of the application and inspection fee established by the board, the board shall cause such premises to be inspected by an authorized agent of the board within thirty (30) days of receipt of the application. Any premises in which a licensed veterinarian operates his or her own practice on the effective date of this act shall be granted a temporary permit upon submission of the registration required by subsection (a), which temporary permit shall remain in effect until the premises are inspected by the board. Any premises for which a permit has been granted on or after the effective date of this act shall be inspected by the board within sixty (60) days of any change of ownership or legal responsibility for the premises. If the board is unable to complete any inspection of the premises within the thirty (30) or sixty (60) day time periods prescribed herein, it shall issue a temporary premises permit which shall remain in effect until the inspection required by this section is completed.

(c) A premises permit shall be issued if the premises meet minimum standards established by board rules and regulations as to sanitary conditions and physical plant. In lieu of the above procedures, the board may issue a premises permit upon certification by the applicant that the premises have been inspected and accredited by a recognized organization, the standards of which are found by the board to meet or

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exceed the minimum standards established by board rules and regulations. All veterinary facilities located in retail establishments shall have an entrance into the permitted premises that is directly on a public street or public parking area and such entrance shall be separate from the entrance used by regular retail customers. For purposes of this chapter, the term "retail establishment" shall mean any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center. The costs of any inspection undertaken by the board shall be set by the board and paid, in advance, by the applicant in addition to the fee established by the board for the premises permit.

(d) Each application for a premises permit submitted by a person not licensed under this chapter shall state the name and address of the licensed veterinarian who will be responsible for the provision of veterinary medicine on the premises. The supervising veterinarian shall be licensed in Tennessee. The applicant shall also include the name(s) and address(es) of the licensee who will be on-site when veterinary medical services are provided. The applicant shall affirm that no veterinary medical services shall be provided without the physical presence of a veterinarian licensed in Tennessee. An application for a

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premises permit submitted pursuant to this subsection may be denied if any veterinarian submitted by the applicant has been previously disciplined by the board. The holder of a premises permit shall notify the board of any change of ownership or legal responsibility for premises for which a permit has been issued, any change as to the supervising veterinarian for the premises, and any change as to the licensed veterinarian(s) who will be employed to provide veterinary medical services at the premises at least thirty (30) days prior to the effective date of the change unless the change arises from unforeseen circumstances, in which case notice shall be given within five (5) days of the effective date of the change.

(e) The board shall deny any application for a premises permit if the inspection reveals that the premises do not meet the minimum standards established by the board. The applicant shall pay the inspection fee for each additional reinspection required to determine whether any deficiencies found by the board have been brought into compliance with the board's minimum standards established by board rules and regulations as to sanitary conditions and physical plant.

(f) Any practitioner who provides veterinary services on a house-call basis and does not maintain a veterinary facility for the receipt of patients shall not be required to secure a premises permit, but must

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provide for appropriate equipment and facilities as established by the board.

(g) Any practitioner who provides veterinary services solely to agricultural animals and does not maintain a veterinary facility for the receipt of patients shall not be required to obtain a premises permit, but must provide for appropriate equipment and facilities as established by the board.

(h) Mobile large and small animal veterinary clinics operating in more than one (1) location and examining and/or treating animals belonging to multiple clients whose animals are not permanently housed or boarded at that location(s) shall have a premises permit for the mobile facilities that are utilized unless exempted by state or local public health officials. Such mobile clinics shall also specify the locations at which such mobile clinics will operate. Such information shall be considered as part of the application for a premises permit. Any change in the locations at which the mobile clinics will operate must be reported to the board at least thirty (30) days in advance of the effective date of the change.

(i) The following are exempt from this section:

(1) A veterinary facility owned by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);

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(2) A veterinary facility operated by an official agency of the federal or state government; and

(3) A licensed research facility.

(j) The board shall be authorized to employ such persons who may be required in its discretion to inspect premises under the jurisdiction of the board. The board shall establish a fee schedule for inspections required under this chapter. Applicants for a premises permit shall remit to the board an application fee which shall be equal to the license fee required of licensed veterinarians. Licensed veterinarians or applicants for licensure as a veterinarian shall not be required to submit an additional fee for a premises permit but shall be required to submit the required inspection fee if such licensed veterinarian or applicant also submits an application for a premises permit.

63-12-1__.

(a) It is an offense to knowingly operate a veterinary facility in this state without a premises permit or without otherwise having complied with the provisions of this chapter.

(b) A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.

SECTION 3. Tennessee Code Annotated, Section 63-12-137, is amended by deleting such section in its entirety and by substituting instead the following:

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63-12-137.

(a) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state.

(b) No person, corporation or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:

(1) Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and

(2) The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.

(c) The following are exempt from this section:

(1) A veterinarian employed by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);

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(2) A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and

(3) A veterinarian employed by any licensed research facility.

SECTION 4. Tennessee Code Annotated, Section 63-12-129(a)(1), is amended by inserting the word and punctuation “, counsel” between the word “investigators” and the words “and clerical assistance”.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 1997.